

Introduced by Senator Hill

(Principal coauthors: Assembly Members Gordon and Mullin)

January 25, 2013

An act to add Section 4801.5 to the Fish and Game Code, relating to mountain lions.

LEGISLATIVE COUNSEL'S DIGEST

SB 132, as introduced, Hill. Mountain lions.

Proposition 117, an initiative measure approved by the voters at the June 5, 1990, statewide direct primary election, enacted the California Wildlife Protection Act of 1990. The act establishes that the mountain lion is a specially protected mammal under the laws of this state, and makes it unlawful to take, injure, possess, transport, import, or sell any mountain lion or any part or product thereof. The act authorizes the Department of Fish and Wildlife, or a specified appropriate local agency authorized by the department, to remove or take any mountain lion that is perceived to be an imminent threat to public health or safety or that is perceived by the department to be an imminent threat to the survival of certain sheep species. Under the act, mountain lions that are authorized to be taken are required to be taken by the most effective means available, except a taking by certain designated means is prohibited.

This bill would require nonlethal procedures, as defined, to be used when removing or taking any mountain lion perceived to be an imminent threat to public health or safety unless the mountain lion can reasonably be expected to cause immediate death or physical harm. This bill would authorize the department or an appropriate local agency to partner with qualified individuals, educational institutions, governmental agencies, or nongovernmental organizations to implement nonlethal procedures.

This bill would require the department to prepare a wildlife incident report for the Fish and Game Commission when any direct action is taken on a mountain lion, as specified, and would require the commission to submit an annual written report to the Legislature, as prescribed.

The California Wildlife Protection Act of 1990 prohibits the Legislature from changing the act, with specified exceptions, except by a $\frac{4}{5}$ vote of the membership of both houses of the Legislature and then only if consistent with, and in furtherance of, the purposes of the act.

This bill would declare that it is consistent with, and furthers the purposes of, that act.

Vote: $\frac{4}{5}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4801.5 is added to the Fish and Game
2 Code, to read:
3 4801.5. (a) Nonlethal procedures shall be used when removing
4 or taking any mountain lion perceived to be an imminent threat to
5 public health or safety unless the mountain lion can reasonably be
6 expected to cause immediate death or physical harm.
7 (b) For purposes of this section, “nonlethal procedures” means
8 procedures that may include, but are not limited to, capturing,
9 pursuing, anesthetizing, temporarily possessing, temporarily
10 injuring, marking, attaching to or surgically implanting monitoring
11 or recognition devices, providing veterinary care, transporting,
12 hazing, relocating, rehabilitating, releasing, or taking no action.
13 (c) The department, or an appropriate local agency with public
14 safety responsibility authorized by the department, may partner
15 with qualified individuals, educational institutions, governmental
16 agencies, or nongovernmental organizations to implement nonlethal
17 procedures on a mountain lion in accordance with subdivision (a).
18 (d) The department shall prepare a wildlife incident report for
19 the commission when any direct action, lethal or nonlethal, is taken
20 on a mountain lion pursuant to this chapter. The commission shall
21 compile wildlife incident reports prepared by the department, and
22 prepare and submit an annual written report to the Legislature no

1 later than January 15 following the year in which an incident
2 occurred.

3 SEC. 2. The Legislature finds and declares that the provisions
4 of this act are consistent with, and further the purposes of, the
5 California Wildlife Protection Act of 1990.

O